

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY, THE TWENTY THIRD DAY OF NOVEMBER

TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE MS. JUSTICE V.M.VELUMANI

CMA NO.1208 OF 2008

National Insurance Company Limited,
Divisional Office, LRN Complex,
Salem, Saradha College Road,
Salem.

... Appellant / Insurer of the Lorry

vs

1. Vijayakumar Balaso Bhujpal ... 1st Respondent / Claimant
2. Srimathi V.Gomathi ... 2nd Respondent / Owner of the Lorry
3. United India Insurance Company Limited,
Division Office, No.1,
Peramanur Main Road,
Salem 7. ... 3rd Respondent / Insurer of the Car
4. S.Ankush ... 4th Respondent / Owner of the Car

Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and Decree of the Motor Accident Claims Tribunal, I Additional District Judge, Salem, made in MCOP No.1054 of 2004, dated 31.01.2007.

DECREE: This Civil Miscellaneous Appeal coming on for hearing on this day and upon perusing the Grounds of Appeal, the Judgment and Decree of the Lower Court, and the records in the case and upon hearing the arguments of Mr.R.Sree Vidhya, Advocate for the Appellant and of Mr.D.Balachandran, Advocate for the 1st and 4th respondents and of Mr.S.Arunkumar, Advocate for the 3rd respondent and the 2nd respondent not appeared either in person or by an Advocate and this Court while dismissing this Civil Miscellaneous Appeal, doth Order and Decree as follows:

i)that the Order and Decree of the Motor Accident Claims Tribunal, I Additional District Judge, Salem, made in MCOP No.1054 of 2004, dated 31.01.2007, awarding an amount of Rs.1,22,500/- be and hereby is confirmed

ii)that the Appellant / National Insurance company Insurer of the Lorry & 2nd respondent / Owner of the Lorry herein are be and hereby directed to deposit a sum of Rs.61,250/- (Rupees sixty one thousand two hundred and fifty only)being 50 % of award amount jointly and severally ; and

iii)that the 3rd Respondent / Insurer of the Car & 4th respondent / Owner of the car herein are be and hereby directed to deposit a sum of Rs.61,250/- (Rupees sixty one thousand two hundred and fifty only) being 50% of award amount jointly and severally along with interest and costs, less the amount already deposited, if any within a period of six weeks from the date of receipt of a copy of this order;

iv)that on such deposit being made, the claimant / 1st Respondent herein is be and hereby permitted to withdraw the award amount, along with interests and costs, less the amount if any, already withdrawn.

v) that there be no costs in this Civil Miscellaneous Appeal.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Motor Accident Claims Tribunal,
I Additional District Judge, Salem.

2.The Section Officer,
V.R.Section, High Court, Madras.

+ 1 CC to M/s R.Sreevidhya, Advocate vide Sr No.37988

+ 1 CC to Mr.S.Arunkumar, Advocate vide SR No.37627

Dated:23.11.2020

D E C R E E

CMA No. 1208 of 2008

Dismissing this Civil Miscellaneous Appeal preferred against the Judgment and Decree of the Motor Accident Claims Tribunal, I Additional District Judge, Salem, made in MCOP No.1054 of 2004, dated 31.01.2007. etc., as stated within - No Costs.

Cnr[co]
srg 19/08/2021